

BOARD OF SELECTMEN
MINUTES
MAY 14, 2007

Pursuant to notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held at 7:30 p.m. in the Selectmen's Room.

Present were Margaret B. Briggs, Chair; Virginia McIntyre; Anne D. Shapiro; Stanly Black, and Gregory P. Howes, Clerk. Also present was Christopher Whelan, Town Manager.

CONSENT AGENDA:

Consent Agenda:

- Town Accountant's Warrants
- Gift Acceptance: Concord Carlisle Community Chest \$2,500 to the Council on Aging Volunteer Coordinator Gift Account; Concord Carlisle Community Chest \$4,900 to the Community Services Coordinator Gift Account; CC Pools, Inc. \$100,000 to Belknap Fund for Senior Programs at the Beede Center.

On a motion duly made and seconded, it was unanimously:

VOTED: To approve the Consent Agenda.

TOWN MANAGER'S REPORT:

1. The Town House will have reduced hours during the summer to enable installation of a sprinkler and alarm system that was approved at 2006 Town Meeting. Beginning the week of July 4 and continuing through the week of Labor Day, the hours will be 8:30AM to 4:30PM Monday through Thursday, and 8AM to Noon on Friday. This will allow the contractor to work late Friday and throughout the weekend. Staff will either work longer hours Monday through Thursday, or take personal time or vacation time. Selectmen Meetings will not be affected. A box in the lobby for residents to drop payments would not be feasible as it would not be secure. The Town Manager had not planned to ask an employee to sit in the lobby to take payments as there should be enough advertising to alert residents to the change in hours.
2. Fire Chief Ken Willette will be installed as President of the Massachusetts Fire Chief Association on May 16 in a ceremony at the Concord Country Club. In addition, the Chief will be providing quarterly updates on the use of department overtime as it relates to the four new firefighters.
3. Regarding playing fields, the Town has placed an advertisement in the May 16 edition of the *Central Register* and the May 17 edition of the *Concord Journal* seeking bids for the site work components of the playing fields. The intention is to be ready to do construction this summer if Special Town Meeting does not rescind to vote.
4. Drop Off/Swap Off Day was a success. 908 cars came to deposit and/or recycle materials that cannot be left at the curb for trash collection.
5. The final Walden Passage Overpass Study public discussion meeting will occur at the Peabody Middle School on June 2 at 2PM.
6. The sale of ½ acre of land on Bedford St. to the Concord Housing Authority is close to completion. The Board should see the agreement within two weeks. The sale will result in two duplex structures for senior housing being built on the Amendolia Land. The survey had to be redone because there are now two easements on the property- emergency access off Old Bedford Road and a utility easement.

COMMON VICTUALLER LICENSE FARFALLE INC.

Gina Nasson, Manager of Farfalle Inc. d/b/a as Farfalle Italian Market was present to seek approval for a Common Victualer License. She has secured approvals from the Building

Consent Agenda

Town Manager's
Report

Common Victualer
License Farfalle Inc

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opening in three weeks. There will be ten seats for service of prepared foods, pasta, lunch entrees, desserts, and grocery items.

Mr. Whelan reported that the Police Chief and Safety Officer have met with interested neighbors in the Grant Street area about traffic circulation and safety issues. He anticipates that the Police Chief will make a recommendation to the Board regarding extending sidewalks and other traffic calming measures.

The Board determined that the packet of information regarding the new license was complete, including lease, floor plan, and proof of insurance.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED

to grant the issuance of a Common Victualler I License with a seating capacity of 10 to Farfalle Inc., d/b/a Farfalle Italian Market at 26 Concord Crossing, Concord, between the hours of 10:00AM and 7PM on Monday through Friday, 8:00AM and 6:00PM on Saturday, and Noon and 3:00PM on Sunday. This license will expire on December 31, 2007 in conformity with the statutes and ordinances relating thereto.

NANAE SISTER CITY REPORT

Drs. Tom and Susan Curtin were present to update the Board on the recent trip to Nanae by regional high school students. 89 members of the Band and 16 adult chaperones represented Concord and Massachusetts at events in the Sapporo and Nanae. They performed in concerts, enjoyed homestay experiences, and met with local dignitaries. Dr. Curtin displayed photos of the trip from his laptop.

Gifts were exchanged on the visit and Dr. Tom Curtin presented to the Selectmen a scroll created by a Japanese artist to celebrate the 10th anniversary of the Sister City Relationship. Visitors from Nanae will return to Concord in October. No public funds are used to support the Sister City.

Sister City Report

PUBLIC HEARING CONTINUED VERIZON PETITION

Ms. Kelly-Ann Condon and Mr. Dan Fitzgibbon were present to petition to lay underground conduit from Welch Foods on Virginia Road to the Lincoln town line. The Board has received memos from the Town Engineer, Public Works Director and Municipal Light Superintendent with departmental recommendations. Mr. Whelan reported that he had had a meeting with Verizon regarding the stalemate the Town has been experiencing with Verizon re: undergrounding.

Mr. Whelan stated that Verizon is willing to commit to plan to move poles in the Right Of Way on Main St. by April 2008, where CPW intends to reconstruct Route 62 using TIP funds. He acknowledged that this would not be a fair exchange, but is an important step that would reduce the chance the Town would lose state funds for the road project by not being ready to implement the project.

Conduits on Virginia Road have been designed, constructed and ready for Verizon to use. During this time, Verizon has collected a 2% surcharge from its customers in Concord to pay for undergrounding. This amounts to about \$1.2MM at \$120,000 per year.

Ms. Condon disagreed with the amount of funds collected and stated that Verizon has spent \$248,000 more than that doing projects that Verizon has reported annually to the Town. She stated that Verizon will not be undergrounding any more locations until it has collected funds to pay for it.

Mr. Howes questioned what has occurred to give the Board confidence in Verizon's commitment to move poles in return for granting the permit when the company has not lived up to its commitments since the implementation of the undergrounding bylaw.

Public Hearing Verizon

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Discussion included: 1) if granted, the funds to move the Route 62 poles may not be counted against the undergrounding funds; 2) Verizon seems to be responsive to Welch Foods and not to the Town or State; 3) if Verizon does not move the poles, the road project will be delayed; 4) there is no reason for Verizon to wait until next year to move the poles; 5) the Town is ready now for the poles to be moved; 6) granting this compromise would seem to concede Town leverage; 7) Verizon would like the Town to be more focused in its planning so that it can use funds to put service underground, rather than investing in the conduits in various places around town; 8) the Town Manager, Selectman, and staff will continue discussions with Verizon regarding a plan to implement undergrounding; 9) Light Plant Supt. Sack believes Verizon has under-expended funds by \$300,000; 10) there has not been a lack of contact by the Town, but a bureaucratic maze that results from never reaching a decision-maker at Verizon; 11) Comcast is actively removing its service from the poles on Main St.; 12) representatives of both parties should continue to meet to reconcile expectations regarding funding and implementation.

Ms. Condon reiterated that Verizon has committed to plan to move the poles, not to "underground" them. She stated that Verizon schedules projects two months in advance

The Board agreed to continue the Hearing until its meeting of June 4 at which time there will be a discussion of a Memorandum of Agreement regarding 1) who can commit Verizon crews to the Route 62 project; 2) a schedule for undergrounding; 3) a reconciliation of the funding.

SCHEDULE SPECIAL TOWN MEETING

Ms. Briggs stated that the Board has received a petition from at least 200 residents asking for a Special Town Meeting. Law requires the Meeting to occur within forty-five days of receipt, in this case, on or before June 22. Town Clerk Anita Tekle provided a memo that shows the time requirements. Ms. Tekle noted that 409 names were certified and that 70% of them had not attended the evening of Town Meeting at which the playing fields were voted. The cost of the Town Meeting is approximately \$15,000, mostly in rentals of space, advertising, and audio/video equipment.

The earliest feasible date that allows time for voter registration, hearings, and production of a Warrant is June 13. The high school is available on that date as well as June 14 and 18. The Hearing is proposed to occur on June 6. Ms. Briggs stated that she did not favor a Monday Town Meeting since that would limit the time available for Selectmen Meetings.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to schedule the Special Town Meeting on Wednesday, June 13 at the Concord-Carlisle Regional High School at 7PM

The Board thanked Laurel Landry in the Town Manager's Office for the additional work she has done to prepare for Special Town Meeting.

SPECIAL TOWN MEETING WARRANT

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to Open the Special Town Meeting Warrant and to Close the Warrant at 4PM on May 24, 2007.

The Board agreed to meet on May 25 at 8:30AM to review the language and ordering of the articles in the Special Town Meeting Warrant.

LIAISON REPORTS

Ms. Shapiro reported that the recent Villages Overlay walk in West Concord was not well attended. She attended the first Bruce Freeman Rail Trail public hearing at which the topic was trail surfaces. The next topic will be bridges.

CITIZEN COMMENT

Susan Bates of Arena Terrace noted the countless hours that the CNN Committee put into the recent very successful visit. The hospitality offered by the citizens of Nanae was outstanding. She declared it a valuable partnership.

Special Town Meeting

Special Town Meeting
Warrant

Liaison Reports

Citizen Comment

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Patty Hecht of Bristers Hill noted that she and her husband offered to work with the playing fields group on a compromise to the current plan. Ms. Hecht asked for copies of the fields RFP, the inter-municipal agreement with the regional high school, and a list of all private donations to the fields. Mr. Whelan stated that he could provide the RFP, but the inter-municipal agreement had not yet been approved by the school committee. Further, the Town has no access to the names of the private donors.

CORRESPONDENCE

Ms. McIntyre noted that the Town has received notice from the Massachusetts Historical Commission that the Concord Armory has been nominated to the National Register of Historical Places. The Hearing on this will occur on June 13. The Town Manager agreed to seek input from Town Planning Director Marcia Rasmussen on this issue and whether she is available to attend the hearing.

Ms. Shapiro noted that Fire Chief Willette has written letters to our Legislators in support of the regional ALS service based at Emerson Hospital. She proposed that the other twenty-four communities who share the service might do this as well. She will mention this at the next HATS meeting.

DISCUSS SELECTMEN APPEAL FUNDS

Ms. Briggs noted that the residents of Concord have generously contributed \$49,487 to the appeal to support to those who are being adversely impacted by taxes. Of the total amount of funds realized from the Selectmen's Appeal, some funds were earmarked by donors to Council on Aging - \$2,375; and to the Hugh Cargill Fund - \$8,300. Within the remaining General Town Purposes category - \$37,337, the amount available to be used to reduce the impact on taxes is \$35,937. Ms. Briggs stated that the Board had asked for input from the Hugh Cargill Trust Committee and the ad hoc Committee on Senior Tax Relief on targeting the distribution of funds to do the most good.

Mr. Gordon Fraser, Chair of the Hugh Cargill Trust reported that the committee has agreed to assist the Board in the distribution, although the committee focuses its awards on need, not solely age. Ms. McIntyre stated that the Board intended to benefit those who are having difficulty with local real estate taxes regardless of age. The Hugh Cargill Trust Committee has certain protocols based on individual and family need that could be the basis of making awards from the appeal funds. The process would be confidential and, for seniors, based on eligibility for the circuit breaker legislation. For other groups, the Committee will make efforts at outreach to local faith communities, Council on Aging, and social service agencies. Mr. Fraser noted that few homeowners come to Hugh Cargill for emergency relief.

Ms. Briggs stated that the circuit breaker is part of the state tax return and the Town is not privy to that information. Instead, the Senior Tax Relief Committee suggests that the homeowner could present a tax return which indicates eligibility for circuit breaker and automatically be granted a 30% reduction on the electric or water bill.

This sort of relief is best used for a short term hardship and therefore a good match for the work of the Hugh Cargill Trust Committee. Mr. Fraser stated that there would need to be a separate fund created for the purpose. The current ceiling for Hugh Cargill Trust awards is \$1,000 per year. The consensus of the Board was that awards from the fund would be need based, dependent upon individual circumstance, and fits within the current parameters of the Committee.

Ms. Briggs stated that annual tax increases are planned for and understood in the community, but the increases from Proposition 2 ½ Overrides and Capital Projects in the past ten years is what is creating hardship for some homeowners.

Correspondence

Selectmen Appeal
Funds

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On behalf of the Hugh Cargill Trust Committee, Mr. Fraser agreed to take on the task of developing protocols and implementing distribution of the Selectmen's Appeal funds. The Committee will work closely with the Senior Tax Relief Committee and Community Services Coordinator, and report its activities to the Board. The Town Manager will ask the Town Finance Director to set up the necessary frameworks so that distribution can begin. Ms. Shapiro noted that current Home Rule Petitions regarding tax relief have not been suitable to the Revenue Committee. She pledged to do more to correct this.

2007 - 08 LIAISON ASSIGNMENTS

The Board reviewed the current list of Liaison Assignments and will discuss it further at a subsequent meeting.

MISCELLANEOUS:

1. Hasso Ewing has suggested an effort to assess our carbon footprint. Natural Resources staff and local volunteers are interested in the project, especially as a component of the Sustainable Energy Committee.
2. Mr. Black reported that he had been contacted about the possibility of MBTA offering a student rate between West Concord and Concord.

TOWN MANAGER APPOINTMENTS:

On a motion duly made and seconded, it was unanimously:

VOTED: To confirm the Town Manager's one year appointment of
Anthony Logalbo as Town Treasurer/Collector;
Patricia Robertson as Assistant Treasurer/Collector;
Anita Tekle as Town Clerk; and
Anderson & Kreiger as Town Counsel.

COMMITTEE APPOINTMENTS:

On a motion duly made and seconded, it was UNANIMOUSLY:

VOTED: To appoint to the Community Preservation Committee:
John H. Clymer of 13 River St., term to expire May 31, 2011;
Gary R. Clayton of 57 Hill St., term to expire May 31, 2010;
Joanne F. Gibson of 88 Walden St., term to expire May 31, 2009;
Evin H. Phillips of 65 Fairhaven Rd., term to expire May 31, 2008;

VOTED: to appoint to the Senior Tax Relief Committee:
Robert S. Andrews of 32 Staffordshire Lane t for a term to expire May 31, 2009.

EXECUTIVE SESSION RE:

On a motion duly made and seconded, it was UNANIMOUSLY:

VOTED: To adjourn the Open Session and to enter into Executive Session to discuss land valuation, not to return to Open Session.

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| Anne D. Shapiro | Aye |
| Virginia McIntyre | Aye |
| Philip H. Benincasa | Aye |
| Gregory P. Howes | Aye |
| Margaret B. Briggs | Aye |

The meeting adjourned to Executive Session at 10 p.m.
Respectfully submitted,

Gregory P. Howes, Clerk

Liaison Assignments

Miscellaneous

Town Manager
Appointments

Committee
Appointment

Executive Session